

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTORRIAN HAWKINS,

Petitioner,

CRIMINAL ACTION NO. 03-80693

vs.

DISTRICT JUDGE JULIAN ABELE COOK  
MAGISTRATE JUDGE DONALD A. SCHEER

UNITED STATES OF AMERICA,

Respondent.

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ORDER DENYING PETITIONER'S MOTION FOR JUDGMENT ON THE PLEADINGS

Petitioner filed a Writ of Habeas Corpus under 28 U.S.C. § 2255 on June 30, 2006 (Criminal Docket #46). Respondent was ordered by the Court to file a response to the petition by September 2, 2006 (Criminal Docket #47). When Respondent failed to file a timely response, Petitioner filed a Motion for Judgment on the Pleadings on September 14, 2006 (Criminal Docket #47).

Respondent filed an answer to the Motion for Judgment on the Pleadings on October 30, 2006, claiming that its failure to file a timely response to the habeas petition was inadvertent and not deliberate (Criminal Docket #51). Petitioner filed a reply thereto on November 13, 2006 (Criminal Docket #52).

Having reviewed the pleadings, I am persuaded that Petitioner has not suffered any prejudice by the delay in filing a timely response to his habeas petition.

Furthermore, the issues raised in the § 2255 motion are best resolved on the merits.

Now Therefore; IT IS HEREBY ORDERED the Petitioner's Motion for Judgment on the Pleadings is DENIED.

s/Donald A. Scheer  
DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

DATED: November 29, 2006

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**CERTIFICATE OF SERVICE**

I hereby certify on November 29, 2006 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on November 29, 2006. **Antorrian Hawkins.**

s/Michael E. Lang  
Deputy Clerk to  
Magistrate Judge Donald A. Scheer  
(313) 234-5217